IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 14589 of 2007(J)

AGAINST THE ORDER DATED / / IN IA 1610 2006 IN OS.199/1957 of I ADDL. DISTRICT COURT, KOLLAM

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PETITIONER:

G.MOHANAN UNNITHAN,
AMMACHIVEEDU, KAIKULANGARA,
KOLLAM.

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENTS:

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1. **G.NARAYANAN UNNITHAN,**
   AMMACHIVEEDU, KAIKULANGARA,KOLLAM.

2. **K.THANKAPPAN UNNITHAN,**
   AMMACHIVEEDU, KAIKULANGARA,KOLLAM.

3. **RAMESH CHANDRAN UNNITHAN,**
   AMMACHIVEEDU, KAIKULANGARA,KOLLAM.

4. **CHELLAMMA ITTY,**
   AMMACHIVEEDU, KAIKULANGARA,KOLLAM.

5. **G.CHANDRASEKHARAN UNNITHAN,**
   AMMACHIVEEDU, KAIKULANGARA,KOLLAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.14589 OF 2007

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Dated this the 29th day of May, 2007

JUDGMENT

This writ petition is filed seeking to quash Ext.P5 order passed in I.A.No.1610 of 2006 in O.S.No.199 of 1957 on the file of the District Court, Kollam. The learned Addl. District Judge had passed an order whereby he had directed that expenditure can be permitted only by reducing 15% of the amount under each head and the plaintiff is allowed to conduct festival with the said budget. Learned District Judge was of the view that the increase in the estimated budget is more than 40% during the previous year which is not substantiated by any materials and therefore reduced it by 15% on each head. In the civil revision petition it is alleged that the said observation of the learned District Judge is wrong and it was on that wrong premises he happened to pass an order of this nature. It is specifically averred that the total amount expended for the previous year was Rs.3,49,150/- whereas the proposed estimated expenditure for the current year is Rs.3,53,000/-. Even the District Judge has observed that considering the inflationary rate there may be some increase in the

expenditure, but he would observe that it cannot be 40%. If the previous expenditure is Rs.3,49,150/-, then it will not be even 2% above the last year's budget. Therefore the matter has to be looked at from that angle and orders are to be passed.

Therefore the order under challenge is set aside and the matter is remitted back to the Addl.District Judge, Kollam for fresh consideration, taking into consideration the observations made in the previous paragraph of the judgment. All the interested parties shall be heard.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-